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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,

Plaintiff,

v.

CHARLES BRUCE FERGUSON (001),

Defendant.

Case No:

63 SGJ

INDICTMENT

CHARGING VIOLATIONS OF:

**COUNT 1: FRAUDULENT SCHEMES
AND ARTIFICES**, a Class 2 Felony, in
violation of A.R.S. § 13-2310

**COUNT 2: FRAUDULENT SCHEMES
AND ARTIFICES**, a Class 2 Felony, in
violation of A.R.S. § 13-2310

COUNT 3: MONEY LAUNDERING, a
Class 3 Felony, in violation of A.R.S. § 13-
2317

COUNTS 4 – 8: FORGERY, Class 4
Felonies, in violation of A.R.S. § 13-
2002(A)(1)

**COUNT 9: AGGRAVATED TAKING
IDENTITY OF ANOTHER PERSON**, a
Class 4 Felony, in violation of A.R.S. § 13-
2009(A)

COUNTS 10– 19: THEFT, Class 2
Felonies, in violation of A.R.S. § 13-

1802(A)(1)

COUNTS 20 – 26: THEFT, Class 3 Felonies, in violation of A.R.S. § 13-1802(A)(1)

COUNT 27: SALE OF UNREGISTERED SECURITIES, a Class 4 Felony, in violation of A.R.S. § 44-1841

COUNT 28: TRANSACTIONS BY UNREGISTERED DEALERS AND SALESMEN, a Class 4 Felony, in violation of A.R.S. § 44-1842

COUNT 29: SECURITIES FRAUD, a Class 4 Felony, in violation of A.R.S. § 44-1991

The Arizona State Grand Jury accuses Defendant, CHARLES BRUCE FERGUSON, charging on this 18th day of November, 2008 that in or from Maricopa County, Arizona:

COUNT 1

FRAUDULENT SCHEMES AND ARTIFICES

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, pursuant to scheme or artifice to defraud, knowingly obtained a benefit from Kyle Houseal, Aram Hafezi, Ben Lachini, and Brad Schmidt by means of fraudulent pretenses, representation, promises, or material omissions, in violation of A.R.S. §§ 13-2310, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 2

FRAUDULENT SCHEMES AND ARTIFICES

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, pursuant to scheme or artifice to defraud, knowingly obtained a benefit from Kietic Holding, Opes Capital Group, Nam Industries, Vu Duc Pham, Douglas Shearer, Ryan Bowman, David Block, Michael Convin, Paul Moore, Norma Wade, and Charles

Greenacre by means of fraudulent pretenses, representation, promises, or material omissions, in violation of A.R.S. §§ 13-2310, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 3

MONEY LAUNDERING

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, acquired or maintained an interest in, transacted, transferred, transported, received or concealed the existence or nature of racketeering proceeds, knowing or having reason to know that the money was the proceeds of an offense, in violation of A.R.S. §§ 13-2317, 13-2301, 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, 13-702.01 and 13-702.01.

COUNT 4

FORGERY

On or about August 18, 2005, Defendant, CHARLES FERGUSON, with intent to defraud, falsely made, completed or altered a Michelle Ferguson's signature on a "Member withdrawal and cooperation agreement," a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 5

FORGERY

On or about April 13, 2006, Defendant, CHARLES FERGUSON, with intent to defraud, falsely made, completed or altered a letter from John Kutac, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 6

FORGERY

Between the approximate dates of April 28, 2006 and May 3, 2006, Defendant, CHARLES FERGUSON, with intent to defraud, falsely made, completed or altered emails from Washington Mutual, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 7

FORGERY

On or about December 6, 2005, Defendant, CHARLES FERGUSON, with intent to defraud, falsely made, completed or altered the signature of Kyle Houseal on an Operating Agreement for Southern Homes LLC, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 8

FORGERY

On or about December 6, 2005, Defendant, CHARLES FERGUSON, with intent to defraud, falsely made, completed or altered the signature of Ben Lachini on an Operating Agreement for Southern Homes LLC, a written instrument, in violation of A.R.S. §§ 13-2002(A)(1), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 9

AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, with the intent to obtain, use, sell or transfer the identity of another person for any unlawful purpose, knowingly took, purchased, manufactured, recorded, possessed or used personal identifying information of three or more other persons, namely:

Michelle Ferguson, John Kutac, Ben Lachini, Kyle Houseal and Mary Fedt, without that person's consent, in violation of A.R.S. §§ 13-2008(A), 13-2001, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 10

THEFT

On or about August 1, 2006, Defendant, CHARLES FERGUSON, knowingly controlled investment of Brian Tellinghuisen, of a value of \$25,000 or more with the intent to deprive Brian Tellinghuisen of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 11

THEFT

On or about November 1, 2007, Defendant, CHARLES FERGUSON, knowingly controlled investment of Robert Gallegos, of a value of \$25,000 or more with the intent to deprive Robert Gallegos of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 12

THEFT

On or about December 5, 2005, Defendant, CHARLES FERGUSON, knowingly controlled investment of Kyle Houseal, of a value of \$25,000 or more with the intent to deprive Kyle Houseal of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 13

THEFT

On or about February 1, 2006, Defendant, CHARLES FERGUSON, knowingly controlled investment of Aram Hafezi, of a value of \$25,000 or more with the intent to deprive Aram Hafezi of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 14

THEFT

On or about February 1, 2006, Defendant, CHARLES FERGUSON, knowingly controlled investment of Brad Schmidt, of a value of \$25,000 or more with the intent to deprive Brad Schmidt of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 15

THEFT

On or about June 9, 2008, Defendant, CHARLES FERGUSON, knowingly controlled funds of Kietic Holding, of a value of \$25,000 or more with the intent to deprive Kietic Holding of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 16

THEFT

On or about June 9, 2008, Defendant, CHARLES FERGUSON, knowingly controlled funds of Opes Capital Group, of a value of \$25,000 or more with the intent to deprive Opes Capital Group of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 17

THEFT

On or about August 29, 2007, Defendant, CHARLES FERGUSON, knowingly controlled funds of Nam Industries, of a value of \$25,000 or more with the intent to deprive Nam Industries of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 18

THEFT

On or about August 30, 2007, Defendant, CHARLES FERGUSON, knowingly controlled funds of Vu Duc Pham, of a value of \$25,000 or more with the intent to deprive Vu Duc Pham of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 19

THEFT

On or about October 26, 2006, Defendant, CHARLES FERGUSON, knowingly controlled funds of Michael Convin, of a value of \$25,000 or more with the intent to deprive Michael Convin of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 20

THEFT

On or about August 2, 2007, Defendant, CHARLES FERGUSON, knowingly controlled funds of Douglas Shearer, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Douglas Shearer of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 21

THEFT

On or about January 10, 2006, Defendant, CHARLES FERGUSON, knowingly controlled investment of Ben Lachini, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Ben Lachini of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 22

THEFT

On or about September 7, 2007, Defendant, CHARLES FERGUSON, knowingly controlled funds of Ryan Bowman, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Ryan Bowman of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 23

THEFT

On or about April 5, 2008, Defendant, CHARLES FERGUSON, knowingly controlled funds of David Block, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive David Block of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 24

THEFT

On or about December 6, 2004, Defendant, CHARLES FERGUSON, knowingly controlled funds of Paul Moore, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Paul Moore of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 25

THEFT

On or about January 7, 2005, Defendant, CHARLES FERGUSON, knowingly controlled funds of Norma Wade, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Norma Wade of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 26

THEFT

On or about January 7, 2005, Defendant, CHARLES FERGUSON, knowingly controlled funds of Charles Greenacre, of a value of \$4,000 or more but less than \$25,000, with the intent to deprive Charles Greenacre of such property, in violation of A.R.S. §§ 13-1802(A)(1), 13-1801, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 27

SALE OF UNREGISTERED SECURITIES

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, sold or offered for sale within or from Arizona securities that were required to be registered with the Arizona Corporation Commission and were not so registered, in violation of A.R.S. §§ 44-1841, 44-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

COUNT 28

TRANSACTIONS BY UNREGISTERED DEALERS AND SALESMEN

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, sold or offered for sale or purchase securities while not registered as a dealer or salesman registered as such pursuant to the provisions of article 9 of this chapter, in violation of A.R.S. §§ 44-1842, 13-701, 13-702, 13-702.01 and 13-801.

COUNT 29

SECURITIES FRAUD

Between the approximate dates of January 1, 2005 and November 1, 2008, Defendant, CHARLES FERGUSON, in connection with a transaction or transactions within Arizona involving an offer to sell securities, intentionally or recklessly, directly or indirectly, employed any device, scheme or artifice to defraud and made untrue statements of material fact, in violation of A.R.S. §§ 44-1991, 44-1995, 44-1801, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-702.01, and 13-801.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

(A "True Bill")

TERRY GODDARD
ATTORNEY GENERAL
STATE OF ARIZONA

Dated: _____

ANDREI CHERNY
Assistant Attorney General PHX-#333040-v1

Foreperson of the State Grand Jury